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10/563,069

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EXAMINER

GU, YU

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,069	Applicant(s) KUZ ET AL.	
	Examiner YU (Andy) GU	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). A certified copy has been filed with the application on 12/29/2005.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on 12/29/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 contains improper "means plus function" language as it omits the recitation "means for..." (e.g., line 6). An example of a proper construction of "means plus function" recitation is "**means for** *establishing a data connection...*" Appropriate actions are required. Furthermore, at least claim 15 recites means plus function without providing sufficient description in the specification to enable the Examiner to positively identify the corresponding structures. See MPEP 2181 [R-6]. In the event that the Applicant traverses above rejections, the Examiner recommends that the Applicant points out the corresponding structures for the means. Other claims

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rejected under this section are so rejected due to at least their dependency to claim 15.

The Examiner further advises the Applicant to avoid *single means* construction (e.g. one means for multiple functions), which is also improper.

Claim Objections

5. **Claim 24** is objected to under 37 CFR 1.75(c) as being in improper form because it depends on multiple independent claims (e.g. claim 1 and 15). Appropriate actions are required.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. **Claims 1-17, 19 and 21** are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims of copending Application No. 11521586. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Following conflicting claims are noted:

Claim 1 is rejected over claim 1 of copending Application No. 11521586.

Claim 2 is rejected over claim 3 of copending Application No. 11521586.

Claim 3 is rejected over claim 4 of copending Application No. 11521586.

Claim 4 is rejected over claim 1 of copending Application No. 11521586.

Claim 5 is rejected over claim 6 of copending Application No. 11521586.

Claim 6 is rejected over claim 8 of copending Application No. 11521586.

Claim 7 is rejected over claim 8 of copending Application No. 11521586.

Claim 8 is rejected over claim 9 of copending Application No. 11521586.

Claim 9 is rejected over claim 10 of copending Application No. 11521586.

Claim 10 is rejected over claim 11 of copending Application No. 11521586.

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Claim 11 is rejected over claim 9 of copending Application No. 11521586.

Claim 12 is rejected over claim 13 of copending Application No. 11521586.

Claim 13 is rejected over claim 14 of copending Application No. 11521586.

Claim 14 is rejected over claim 15 of copending Application No. 11521586.

Claim 15 is rejected over claim 20 of copending Application No. 11521586.

Claim 16 is rejected over claim 21 of copending Application No. 11521586.

Claim 17 is rejected over claim 20 of copending Application No. 11521586.

Claim 19 is rejected over claim 24 of copending Application No. 11521586.

Claim 21 is rejected over claim 25 of copending Application No. 11521586.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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9. **Claims 1, 3, 6-9, 11, 13, 15, 18-19, 21, 23 and 24** are rejected under 35

U.S.C. 102(e) as being anticipated by US 6711399 B1 Granier (hereinafter Granier).

Regarding **claim 1**, Granier discloses *a method for transmitting an emergency call including emergency information from a vehicle using an mobile communication system, comprising:*

- *triggering an emergency call at the vehicle (see at least column 2 lines 35-45),*
- *establishing a data connection to an emergency call assistance center via the mobile communication system (see at least column 3 lines 16-22),*
- *transmitting emergency information to the emergency call assistance center using the data connection (see at least column 2 lines 36-41),*
- *establishing a first voice connection(i.e. vocal communication) to the emergency call assistance center via the mobile communication system (see at least column 2 lines 42-45),*
- *and transmitting a dual tone multi-frequency (DTMF) message including emergency information using the established first voice connection (see at least column 3 lines 16-22).*

Regarding **claim 3**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses:

- *determining whether the emergency information has been successfully transmitted to the emergency call assistance center (see at least column 2 lines 51-55),*

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- *and transferring the first voice connection to an emergency assistant at the emergency call assistance center in case if the emergency information has been transmitted successfully (see at least column 6 lines 5-13),*
- *and establishing a second voice connection to a emergency call dispatch center via the mobile communication system if the emergency information has not been transmitted successfully (see at least column 1 lines 35-40).*

Regarding **claim 6**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *claim 1 further comprising testing the availability of the mobile communication system (see at least column 1 lines 27 -40, e.g. the availability of the communication system are tested by a confirmation receipt).*

Regarding **claim 7**, Granier discloses the limitations as shown in the rejection of **claim**

1 and **6**. Granier further discloses *where in testing the availability of the mobile communication system, a mobile terminal in the vehicle for transmitting the emergency information and the communication network of the communication system are tested for availability (see at least column 1 lines 27 – 31).*

Regarding **claim 8**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *where the emergency information transmitted using the data connection comprises a geographical position of the vehicle and an identification number of the vehicle (see at least column 1 lines 27 – 31 and column 6 lines 4-7).*

Regarding **claim 9**, Granier discloses the limitations as shown in the rejection of **claim**

1 and **8**. Granier further discloses *where the emergency information further comprises a timestamp of a generation of the emergency message, a vehicle descriptor, a*

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breakdown status and additional information and parameters defined by an occupant of the vehicle (see at least column 1 lines 45-49).

Regarding **claim 11**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *where the emergency information transmitted using the voice connection comprises a geographical position of the vehicle and an identification number (i.e. assigned telephone number) of the terminal transmitting the emergency information (see at least column 1 lines 27 – 31 and column 6 lines 4-7).*

Regarding **claim 13**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *the emergency call assistance center requesting emergency information from the vehicle via the mobile communication system (see at least column 3 lines 23-26).*

Regarding **claim 15**, Granier discloses *an emergency call device for transmitting an emergency call including emergency information from a vehicle using an mobile communication system, comprising:*

- *a triggering means for triggering an emergency call at the vehicle (see at least column 3 lines 65-67, Figure 1 item 17b and 17c),*
- *a communication terminal (see at least Figure 1 item 9 and column 4 lines 20-34):*
 - *for establishing a data connection to an emergency call assistance center via the mobile communication system (see at least Figure 1 item 9 and column 5 lines 66-67, column 6 lines 1-20),*

- *for establishing a first voice connection to the emergency call assistance center via the mobile communication system (see at least Figure 1 item 9, 11, 12 column 3 lines 13-15),*
- *for transmitting emergency information to the emergency call assistance center using the data connection (see at least Figure 1 item 9, 11, 12 column 3 lines 13-15),*
- *and for transmitting a dual tone multi-frequency (DTMF) message including emergency information using the established first voice connection (see at least Figure 1 item 9, 11, 12 column 3 lines 13-27).*

Regarding **claim 18**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *a position determination means for determining a geographical position of the vehicle* (see at least column 1 lines 28-34).

Regarding **claim 19**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *processing means for forming emergency information* (see at least Figure 1 item 5, column 5 lines 66-67 and column 6 lines 5-20).

Regarding **claim 21**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *the processing means is adapted to form emergency information comprising a geographical position of the vehicle and an identification number of the vehicle* (see at least column 4 lines 53-56, Figure 1 item 5, column 5 lines 66-67 and column 6 lines 5-20).

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Regarding **claim 23**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *the triggering means is an emergency button or a sensor adapted to trigger an emergency call* (see at least column 6 lines 21-26).

Regarding **claim 24**, Granier discloses the *emergency call system for executing the method according to claim 1 comprising at least one emergency call device according to claim 15 and an emergency call assistance center* as addressed in the rejections of claim 1 and 15.

10. **Claims 2 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20040203652 A1 Gao Yun (hereinafter Gao).

Regarding **claim 2**, Granier discloses the limitations as shown in the rejection of **claim 1**. Granier further discloses DTMF message transmitted via the first voice connection at emergency call assistance center (see at least column 3 lines 16-22). Granier is silent as to *detecting the end of the DTMF message*. However, Gao discloses detecting the end of DTMF coded message (see at least Gao paragraph [0035]). It would have been obvious to a person of ordinary skill in the art to modify Granier's invention in view of Gao in order to put a mobile communication device into voice communication mode, as taught by Gao.

Regarding **Claim 16**, Grainer discloses the limitations as shown in the rejections of **claim 15**. Granier is silent as to the limitations of **claim 16**. However, Gao discloses *means for determining the end of dual tone multi-frequency message transmitted through the first voice connection* (see at least Gao Figure 2 item 40 and paragraph [0035]). It would have been obvious to a person of ordinary skill in the art to modify

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Granier's invention in view of Gao in order to put a mobile communication device into voice communication mode, as taught by Gao.

11. **Claims 4** rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20020055350 A1 Gupte et al.(hereinafter Gupte)

Regarding **claim 4**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier is silent as to the limitation *where the data connection is a wireless application protocol (WAP) connection, and where in transmitting emergency information to the emergency call assistance center via the data connection the emergency information are transmitted in a request of an emergency call URL using the WAP connection*. However, Gupte, in the related art of wireless communication, discloses wherein data connection comprises a Wireless Application Protocol (WAP) connection (see at least Gupte paragraph [0007]), and where the transmitting act comprises transmitting the portion (i.e. event identifier) of an information in a request of a uniform resource locator (URL) using the WAP connection (see at least Granier paragraph [0029]). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Granier in view of Gupte by including the WAP communication mechanism because Gupte teaches that "the current wireless internet infrastructure offers very limited bandwidth", and that typical WAP applications uses only relatively small amount of bandwidth (see at least Gupte paragraph [0007]).

12. **Claims 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 4163218 A Wu (hereinafter Wu).

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Regarding **claim 5**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier is silent as to the limitations of claim 5. However, Wu disclose an emergency alarm triggering mechanism comprising *initiating the counter* (the counter must be inherently initiated), *where the alarm* (i.e. analogous to a emergency call) *may be cancelled during an emergency call count* (e.g. if the counter doesn't count up to a predetermined number), *and where the emergency call is triggered after the emergency count reaches a predetermined threshold* (see at least Wu column 15 lines 29-36). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Wu in order to "prevent false triggering of the sensing element", as taught by Wu.

13. **Claims 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 6765495 B1 Dunning et al. (hereinafter Dunning).

Regarding **claim 10**, Granier discloses the limitations as shown in the rejection of **claim 1, 8 and 9**. Granier further discloses *where the at least a portion of the emergency information comprises a history of information related to a time period* (i.e. over a set of duration, see at least column 2 lines 25-29) *before an emergency*, *and where the history of information indicates a driving direction* (see at least column 2 lines 25-29 and lines 36-43) *of the vehicle*. Granier does not specifically disclose that *history of information tracks a steering of the vehicle, a level of deceleration of the vehicle, or a driving direction of the vehicle*. However, in the same field of endeavor, disclose Dunning discloses collecting information regarding the rate decelerating, steering wheel angle of a vehicle (see at least column 3 lines 11-16). It would have been obvious to a person of ordinary skill in the art at the time of the invention to adapt Dunning's teaching and apply

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it to Granier's invention because such information can be used as record by an insurance company.

14. **Claims 12 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20030009550 A1 Taylor et al. (hereinafter Taylor)

Regarding **claim 12**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further disclose *transmitting a confirmation for the emergency information received from the emergency call assistance center* (see at least column 1 lines 33-40 column 2 lines 52-55). Granier is silent as to the limitation *synchronizing the portion of the emergency information received through the data connection and the first voice connection at the emergency call assistance center*. However, Taylor teaches a method for synchronizing of information (analogous to emergency call information) from different sources (e.g. data connection and voice connection) but caused by the same condition (see at least Taylor paragraph [0029]). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Taylor because "such information may have to be synchronized before it can be effectively used", as taught by Taylor.

Regarding **claim 22**, Granier discloses the limitations as shown in the rejection of **claim**

19. Granier is silent as to the limitation *where the processing means are further adapted to synchronize the emergency information received via the data connection and the first voice connection*. However, Taylor teaches a method for synchronizing of information (analogous to emergency call information) from different sources (e.g. data connection and voice connection) but caused by the same condition (see at least Taylor paragraph [0029]). It would have been obvious to a person of ordinary skill in the art to

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modify Granier in view of Taylor because "such information may have to be synchronized before it can be effectively used", as taught by Taylor.

15. **Claims 14 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 6154658 A Joseph Claude Caci (hereinafter Caci).

Regarding **claim 14**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier does not specifically disclose the limitations of **claim 14**. However, in the same field of endeavor, Caci teaches *informing at least one emergency call dispatch center of the emergency using the received emergency information* (see at least Caci abstract and column 22 lines 9-34). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Caci so that the emergency so that the dispatched response team the can be prepared with knowledge before arriving on the scene, as taught by Caci.

Regarding **Claim 17**, Grainer discloses the limitations as shown in the rejections of **claims 15 and 16**. Granier further discloses *means for transferring the first voice connection to the emergency call assistance center when the emergency information has been transmitted successfully* (see at least Figure 1 item 9, and column 6 lines 5-20). Granier further discloses *a second voice connection means for establishing a second voice connection to a destination, when the emergency information has not been transmitted successfully* (see at least column 1 lines 35-40). Granier does not disclose that the second voice connection is designated for an emergency call dispatch center. However, in the same field of endeavor, Caci teaches a voice connection established with the emergency call dispatch center (i.e. 911). (See at least Caci

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abstract and column 22 lines 49-51). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Caci to have second voice connection established with a emergency dispatch center so that the dispatched response team the can be prepared with knowledge before arriving on the scene, as taught by Caci.

16. **Claims 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20030222782 A1 Gaudreau (hereinafter Gaudreau).

Regarding **claim 20**, Granier discloses the limitations as shown in the rejection of claim **15**. Granier is silent as to the limitations of claim 20. However, in an analogous art, Gaudreau discloses an alarm-triggering mechanism comprising a timer for controlling an alarm countdown during which an operator may cancel the triggered alarm (see at least Gaudreau paragraph [0010]). t would have been obvious to a person of ordinary skill in the art to modify Granier in view of Gaudreau in order to prevent false triggering of emergency calls.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YU (Andy) GU whose telephone number is (571)270-7233. The examiner can normally be reached on Mon-Thur 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 5712727922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/YU (Andy) GU/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617